

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated May 5, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application.

Applicants thank the Examiner for acknowledging the claim for priority and note that the certified copies of all the priority document(s) have not been received from the International Bureau receiving office. The Applicants are looking into why the certified copies of the priority documents have not been forwarded.

Applicants gratefully acknowledge the indication that claims 5 and 10-12 contain allowable subject matter and that claims 13-16 are allowed.

In the Office Action, claims 1-4, 6-9 and 17 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,492,054 to Sequenot ("Sequenot"). This rejection of the claims is respectfully traversed. It is respectfully submitted that claims 1-12 and 17-20 are allowable over Sequenot for at least the following reasons.

It seems undisputed that all Sequenot shows is that the size of the brewing chamber may be adjusted through manual adjustment (e.g., user adjustment) of the operating element 31 through use of the transmission system.

It is respectfully submitted that the beverage maker of claim 1 is not anticipated or made obvious by the teachings of Sequenot. For example, Sequenot does not disclose or suggest, a beverage maker that amongst other patentable elements, comprises (illustrative emphasis added) "a brewing arrangement bounding a brewing chamber downstream of the water supply structure for receiving water supplied by the water supply structure; said brewing arrangement comprising a bounding member adjustable for adjusting the operational size of the brewing chamber and an adjustment structure for adjusting said bounding member; ... wherein said adjustment structure automatically adjusts in response to the quantity of particles present in said brewing chamber" as recited in claim 1 and as similarly recited in claim 17. In Sequenot, the size of the brewing chamber is manually adjusted through adjustment of the operating element 31.

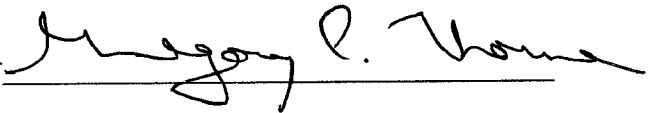
Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 17 are patentable over Sequenot and

notice to this effect is earnestly solicited. Claims 1-11, and 18-20 respectively depend from one of claims 1 and 17 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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